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Black Butte Copper Mine/Montana Department of Environmental Quality: Trout Unlimited Complaint for Declaratory Relief Challenging Issuance of Environmental Permits

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Trout Unlimited and four other environmental organizations filed a June 4th Complaint for Declaratory Relief (“Complaint”) in the Montana Fourteenth Judicial District Court (Meagher County) challenging the Montana Department of Environmental Quality’s (“MDEQ”) approval of a permit application for the Black Butte Copper Mine (“Copper Mine”).

The other environmental organizations named as Plaintiffs include:

- Montana Trout Unlimited
- Montana Environmental Information Center
- Earthworks
- American Rivers

(collectively, “Trout Unlimited”)

MDEQ is stated to have approved Tintina Montana Inc.’s (“Tintina”) permit application for the copper mine. It is described as a copper mining project proposed in the Smith River watershed of west-central Montana.

The Complaint describes the proposed mining activities as including excavation of approximately 440 tons of concentrated copper ore on a daily basis in the watershed. It states that over the life of the project, the mining activities would generate an estimated 12.9 million tons of tailings and nearly one million tons of waste rock.

The Complaint alleges the violation of certain Montana statutes and environmental regulations in the issuance of a permit.

The statutes allegedly violated include:

- Montana Metal Mine Reclamation Act
- Montana Environmental Policy Act
- Montana Constitution’s Environmental Protections

Activities and/or issues described in the Complaint include:

- Proposed tailings impoundment
- Failure to rationally evaluate significant environmental consequences of the mine
- Failure to rationally evaluate the proposed mine's potential to deplete stream flows in major Smith River tributaries
- Failure to meaningfully and rationally evaluate feasible alternatives to the proposed actions

A copy of the Complaint can be downloaded [here](#).